

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

MINNIE PEARL THOMAS	:	
	:	
Petitioner,	:	
	:	Criminal Case
v.	:	No. 5:99-CR-45 (CAR)
	:	
UNITED STATES OF AMERICA	:	
	:	
Respondent.	:	
_____	:	

**ORDER ON RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Recommendation of the United States Magistrate Judge [Doc. 403] to dismiss Petitioner Minnie Pearl Thomas's Motion for Sentence Reduction via Rule 60(b) [Doc. 402]. Petitioner has not filed an objection to the Recommendation. Having considered the Recommendation, the Court agrees with the findings and conclusions of the United States Magistrate Judge. Although Petitioner's filing is styled as a Rule 60(b) motion, it is in fact a Section 2255 motion alleging ineffective assistance of counsel and prosecutorial misconduct. Because Petitioner has previously filed an unsuccessful 2255 motion [Doc. 377], the instant motion is precluded absent prior authorization by the Eleventh Circuit pursuant to 28 U.S.C. § 2255(h).

Accordingly, the Recommendation of the United States Magistrate Judge [Doc. 403] is hereby **ADOPTED AND MADE THE ORDER OF THE COURT**. Petitioner's Motion for Sentence Reduction via Rule 60(b) [Doc. 402] is hereby **DENIED**.

**SO ORDERED**, this 1st day of November, 2012.

S/ C. Ashley Royal  
C. ASHLEY ROYAL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

BBP